

**SIXTEENTH DAY**

(Tuesday, February 7, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Grover was granted leave of absence for today on account of important business on motion of Senator Hightower.

**Senate Resolution 92**

Senator Moore offered the following resolution:

Whereas, On the 7th of February 1967, Trinity County, Texas, has proclaimed that day to be Bertha Wood Day, the occasion of Mrs. Wood's 100th birthday; and

Whereas, Aunt Bertha, as she is affectionately called, is the only known white woman in Trinity to reach the age of 100; and

Whereas, Recently Aunt Bertha received a certificate from the Eastern Star in recognition of 50 years of devoted service, being at one time a member of the Ransford

Chapter of the Eastern Star in Houston where she was its 5th Worthy Matron; and

Whereas, Mrs. Wood has an alert mind, can discuss any subject with intelligence and wisdom, has always been an avid reader, is able to discuss any subject with intelligence and wisdom; she is deeply religious and feels that her 100th birthday "is a gift of God", and

Whereas, For those who truly know, Aunt Bertha has been an inspiration for many; to many children, her love and devotion is something that cannot be overlooked. Never to be a mother, she claims to have more children than anyone in Texas; now, therefore, be it

Resolved, That the Senate of the State of Texas do extend its congratulations to Mrs. Bertha Wood of Trinity, Texas, and that a copy of this Resolution under the Seal of the Senate be sent to her at the Trinity Memorial Hospital, Trinity, Texas, where Aunt Bertha has lived the last five years; and be it further

Resolved, That a page in today's Senate Journal be devoted to this expression of the Senate's admiration.

The resolution was read and was adopted.

**Senate Resolution 93**

Senator Bernal offered the following resolution:

Whereas, Enrollees of the Neighborhood Youth Corps Out-of-School project are visiting Austin and the Capitol as a part of the civic and cultural improvement program provided for them; and

Whereas, These young ladies from the San Antonio Neighborhood Youth Organization are receiving one and one-half hours remedial education each day, and are thus motivated to return to school; in addition they are given work experience on regular jobs at work stations such as Kelly Air Force Base, Brooke Army Hospital, Social Security Administration, Youth Opportunity Center; and

Whereas, Work-experience of those touring the Capitol is rather unique: they are learning to be seamstresses, and since the work-experience must be meaningful and provide something useful in services or goods, these SANYO enrollees make the uniforms

for all enrollees, both In-School and Out-of-School; and

Whereas, Upon completion of enrollment, these young people either return to school, enlist in military service, join the Job Corps, advance to further training, or obtain a permanent job; very few return to the ranks of the unemployed; and

Whereas, The Senate of the 60th Legislature wishes to compliment these young ladies from San Antonio and to express appreciation for the Neighborhood Youth Corps Out-of-School project which is giving them the opportunity to become happy and productive citizens; now, therefore, be it

Resolved, That the Senate of Texas do hereby recognize and commend these visitors of the Neighborhood Youth Corps Out-of-School project, San Antonio Neighborhood Youth Organization Incorporated; and, be it further

Resolved, That a copy of this Resolution be prepared for them and their Counselor, Mrs. Fina Barron, as an expression of appreciation for their endeavor from the Senate of Texas.

The resolution was read and was adopted.

Senator Bernal by unanimous consent presented the guests to the Members of the Senate.

#### Reports of Standing Committees

Senator Ratliff submitted the following report:

Austin, Texas,  
February 7, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil & Gas, to which was referred S. B. No. 34, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

RATLIFF, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,  
February 7, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State

Affairs, to which was referred S. B. No. 83, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,

February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 84, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,

February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 31, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,

February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 105, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,

February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 14, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 80, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 114, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Hall submitted the following reports:

Austin, Texas,  
February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred S. B. No. 97, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,  
February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred S. B. No. 124, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,  
February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred S. B. No. 126, have had

the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,  
February 6, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred S. B. No. 24, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

HALL, Chairman.

### Message From the House

Hall of the House of Representatives

Austin, Texas,  
February 7, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 15, In memory of Dr. Gordon B. McFarland, Sr.

S. C. R. No. 16, In memory of Mr. Van M. Lamm.

S. C. R. No. 17, In memory of Mr. Charles K. Word, Sr.

H. C. R. No. 21, Recognizing Dr. F. L. McDonald, president of Lamar State College of Technology, for his outstanding and dedicated service.

H. C. R. No. 22, Resolving that there shall be named a committee of five (5) to appoint and designate some outstanding and recognized poet who is a citizen of Texas to be Poet Laureate of the State of Texas for a period of two (2) years.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senator Ratliff:

S. B. No. 176, A bill to be entitled

"An Act abolishing the office of County Superintendent, and transferring its duties to the County Judge, in certain counties; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Blanchard:

S. B. No. 177, A bill to be entitled "An Act to create Municipal Courts with original and appellate jurisdiction in certain cases in cities having a population of fifty thousand (50,000) or more; prescribing the jurisdiction, organization, procedure, and powers of such courts; prescribing the practice therein and the appeals therefrom; providing for the selection of a Judge of said Court and for an Alternate Judge; providing for the removal of the Judge; providing for the hiring of personnel and the reporting and recording of the proceedings of said Court; providing for a Seal of said Court; providing for the selection of a Jury and the right of trial by Jury; prescribing the conditions for vacating the offices of said Court and providing therefor; providing for the conforming of the criminal jurisdiction of other Courts thereto; providing a repealing clause, severability clause, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Blanchard:

S. B. No. 178, A bill to be entitled "An Act requiring motorcycle operators and passengers to wear protective headgear approved by the Department of Public Safety; providing for issuance of minimum safety standards for protective headgear by the department and providing for approval by the department of protective headgear meeting the prescribed standards; providing for administration and enforcement; prescribing a penalty; and declaring an emergency."

To the Committee on State Affairs.

By Senators Strong, Reagan, Word, Blanchard, Connally, Herring, Creighton, Wade, Christie, Bernal, Jordan, Cole, Moore, Wilson, Hall, Kennard, Watson, Hazlewood, Berry, Ratliff, Schwartz, and Harrington:

S. B. No. 179, A bill to be entitled "An Act concerning planning; designating the Governor the Chief

Planning Officer of the State; providing Inter-agency Planning Councils; establishing a Division of Planning Coordination; providing a severability clause; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Wade:

S. B. No. 180, A bill to be entitled "An Act authorizing a land acquisition and utilization program in certain counties to promote the arts, culture, recreation, tourism, and governmental efficiency to be administered by the State Building Commission; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hall:

S. B. No. 181, A bill to be entitled "An Act to carry into effect the provisions of the proposed amendment adding Section 49e to Article III of the State Constitution; defining certain terms; designating the Parks and Wildlife Department to perform the governmental functions authorized by this Act; authorizing the issuance of Seventy-Five Million Dollars (\$75,000,000) State Bonds to create the Texas Park Development Fund; providing the method, manner, and mechanics of issuing and paying such bonds; authorizing the Department to issue refunding bonds; declaring such State Bonds to be legal investments and free from taxation; providing for the method of the sale of bonds; providing for charging of entrance or gate fees at State Parks; creating special funds; requiring the setting aside of certain funds for certain purposes; providing for the deposits to, transfers between, and payments from State Funds; providing for deposit of certain excess moneys in the State Parks Fund; authorizing investment of surplus funds; providing for acquisition of lands by purchase, condemnation or otherwise, and for development of said lands as State Parks, and authorizing contracts for land acquisition and development; repealing conflicting laws; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Hall:

S. B. No. 182, A bill to be entitled "An Act amending Article 5434, Revised Civil Statutes of Texas,

1925, as amended, to allow the per diem of the Library and Historical Commission to be set out in the General Appropriations Act; and declaring an emergency."

To the Committee on Education.

By Senator Hall:

S. J. R. No. 12, Proposing an amendment to the Constitution of Texas adding a section to be known as Section 49-e of Article III, providing for the issuance and sale of bonds of the State of Texas to create the Texas Park Development Fund to provide for the acquisition of lands for State Park Sites and for developing said sites as State Parks; providing for the payment of such bonds; designating an agency to administer said Fund and to perform other duties prescribed by law; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

To the Committee on Constitutional Amendments.

#### House Concurrent Resolution 21 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 21, Extending Congratulations to Dr. F. L. McDonald, President of Lamar State College of Technology for dedicated service.

The resolution was read.

On motion of Senator Harrington and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 94

Senator Hardeman offered the following resolution:

RESOLVED by the Senate of Texas, That the Senior United States Senator from Texas, Honorable Ralph W. Yarborough, and the Junior United States Senator from Texas, Honorable John G. Tower, be, and each is hereby, invited to address the Senate during the Regular Session, 60th Legislature, at his convenience.

The resolution was read and was adopted.

#### Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
February 7, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Board of Directors of Texas College of Arts and Industries, to fill the unexpired term of John Lynch, resigned, term to expire August 31, 1969: Laurence A. McNeil of Corpus Christi, Nueces County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas

#### Senate Bill 32 on Second Reading

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 32 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Herring	Word

Nays—2

Hazlewood Strong

Absent—Excused

Grover

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 32, A bill to be entitled "An Act amending Article V of Chapter 720, Acts of the 59th Legislature, R.S., 1965, providing salary increases for certain state employees, describing procedures for converting to increased annual rates, appropriating funds, providing for reporting procedures, and declaring an emergency."

The bill was read second time.

Senator Strong raised a Point of Order questioning, upon the basis of Joint Rule 9-A of the 59th Legislature, the authority of the Senate to pass to engrossment Senate Bill 32.

The President over-ruled the Point of Order, stating that the Senate had previously voted, with 28 ayes and only 2 nays, to suspend the Constitutional Rules and all applicable Rules of the Senate. The Senate of the 60th Legislature has not adopted the Joint Rules of the 59th Legislature, but even if such rules were impliedly effective, "the precedents of the Senate establish that the procedure followed would have suspended the rules."

Senator Strong offered the following amendment to the bill:

Amend S. B. No. 32 by adding a new section to be Section 2(a) to read as follows:

"Section 2(a). On March 1, 1967, the salary rates of hourly employees shall be:

a. Common laborers: \$1.55 to \$2.02 per hour.

b. Semi-skilled laborers: \$1.91 to \$2.51 per hour.

c. Skilled laborers: \$2.40 to \$3.00 per hour."

STRONG  
WORD  
MAUZY  
SCHWARTZ  
CONNALLY  
WILSON  
WADE  
KENNARD  
HALL

The amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### Senate Bill 32 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Herring	Word

#### Nays—2

Hazlewood	Strong
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#### Absent—Excused

Grover

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Herring	Word

## Nays—2

Hazlewood Strong

Absent—Excused

Grover

## Senate Bill 111 on Second Reading

Senator Herring moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 111 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 111, A bill to be entitled "An Act amending Article 655, Revised Civil Statutes of Texas, 1925, as amended, eliminating the affidavit requirement on seller of merchandise; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend Senate Bill 111 by changing the period to a comma at the end of the bill and adding the words "and that this Act take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was read and was adopted.

Senator Herring offered the following amendment to the bill:

Amend S. B. 111 by deleting the period and quotes at the end of Section 1 and adding a comma and the following language:

"which certification shall be in a form prepared by the Attorney General of Texas."

The amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

## Senate Bill 111 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 111 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Berry
Bates	Blanchard
Bernal	Brooks

Christie	Mauzy
Cole	Moore
Connally	Parkhouse
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Schwartz
Hazlewood	Strong
Herring	Wade
Hightower	Watson
Jordan	Wilson
Kennard	Word

Absent—Excused

Grover

### Senate Bill 112 on Second Reading

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 112 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 112, A bill to be entitled "An Act amending Article 635, Revised Civil Statutes of Texas, 1925, to eliminate the requirement that a contract bidder file an antitrust affidavit each time he submits a contract bid and to require a bidder to file, and to renew, the affidavit with his bid list application; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend Senate Bill 112 by changing the period to a comma at the end of the bill and adding the words "and that this Act take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was read and was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### Senate Bill 112 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 112 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Blanchard
Bates	Brooks
Bernal	Christie
Berry	Cole



Connally	Moore
Creighton	Parkhouse
Hall	Patman
Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Schwartz
Herring	Strong
Hightower	Wade
Jordan	Watson
Kennard	Wilson
Mauzy	Word

Absent—Excused

Grover

**Senate Bill 138 on Second Reading**

Senator Watson moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 138 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 138, A bill to be entitled "An Act to provide that when shares are registered on the books of a corporation in the names of two or more persons as joint owners, with the right of survivorship, the surviving joint owner shall have the power to transfer title to such shares and receive dividends thereon; that no liability shall accrue to any corporation because of such transfer or payment of dividends prior to receipt of actual written notice by an adverse claimant; that such discharge of

liability on the part of the corporation shall not affect a cause of action by an adverse claimant against such surviving joint owner; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 138 on Third Reading**

Senator Watson moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Grover

**Senate Bill 48 on Second Reading**

Senator Hardeman moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 48 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

**Absent—Excused**

Grover

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 48, A bill to be entitled "An Act amending Chapter 426 of the Acts of the 58th Legislature, Page 1100 of the Session Laws of the Regular Session of 1963, known as Article 1436b of the Penal Code of the State of Texas by amending Section 3 and Section 3(a) thereof providing that any person in any county of this State with more than one pound of mercury in his possession and who has not in his possession a bill of sale or other written evidence of title shall be guilty of a felony; providing penalties for violation of the terms of the Act; and declaring an emergency."

The bill was read second time.

Senator Patman offered the following amendment to the bill:

Amend Section 1 of S. B. No. 48 by inserting the word "illegally" after the following quoted language:

"Section 3. Any person who may be found in any county in this state with more than one (1) pound of mercury in his possession."

And striking Section 3(a) thereof.

The amendment was read and was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Senate Bill 48 on Third Reading**

Senator Hardeman moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

**Absent—Excused**

Grover

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Parkhouse
Connally	Patman
Creighton	Ratliff
Hall	Reagan
Hardeman	Schwartz
Harrington	Strong

Wade  
Watson

Wilson  
Word

Absent—Excused

Grover

### Senate Bill 35 on Second Reading

Senator Creighton moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 35 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jordan
Bates	Kennard
Bernal	Mauzy
Berry	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Harrington	Wade
Hazlewood	Watson
Herring	Wilson
Hightower	Word

Nays—2

Blanchard Hardeman

Absent—Excused

Grover

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 35, A bill to be entitled "An Act making privileged certain communications between a clergyman and confessor; and declaring an emergency."

The bill was read second time.

Senator Creighton offered the following amendment:

Amend S. B. No. 35 by striking out Sec. 2 thereof and substituting therefor the following language:

"Sec. 2. Examination Prohibited. A clergyman shall not be examined in a civil or criminal action or proceeding as to a confessional communication made to him in his professional capacity if the confessor claims the confessional communication as a privileged communication."

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend S. B. No. 35 by striking out Sec. 3 thereof and substituting therefor the following language:

"Sec. 3. Privilege Must Be Claimed. A confessor, whether or not a party to the action or proceeding, has a privilege, if he claims it, to refuse to disclose and to prevent a witness from disclosing a confessional communication made by the confessor."

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question: Shall S. B. No. 35 as amended be passed to engrossment?

(Senator Aikin in Chair).

### Resolution Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 18, Saluting Hopkins County citizens for attaining the rank of Number One Dairy-Producing County in the Nation.

### Memorial Resolution

S. R. No. 91, By Senator Kennard: Memorial Resolution for Robert G. Wilkerson.

### Welcome Resolutions

S. R. No. 95—By Senators Hall, Wade, Mauzy and Parkhouse: Extending welcome to instructors of Garland High School.

S. R. No. 96—By Senators Hall, Wade and Mauzy: Extending welcome to students of Garland High School.

S. R. No. 97—By Senator Hall: Extending welcome to Sam Rowland of Rockwall.

### Adjournment

On motion of Senator Hardeman the Senate at 11:40 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of  
**Mrs. Mary Ann Hudson**

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Senator Hardeman offered the following resolution:

(Senate Resolution 90)

Whereas, In the passing on October 16, 1966, of Mrs. Mary Ann Hudson, wife of former Senator Hill D. Hudson, the City of Pecos lost one of its loveliest ladies and outstanding citizens; and

Whereas, Mrs. Hudson, a native of Teague, Texas, was born March 22, 1904. On October 25, 1927, she was married to one of our former and highly respected State Senators, Hill D. Hudson, who served the State of Texas during the 51st and 52nd Sessions of the Legislature; and

Whereas, She had been a resident of Pecos since 1929, during which time she made her imprint as an outstanding wife, mother, clubwoman and citizen; and

Whereas, Mrs. Hudson attended the University of Texas and was a member of the Daughters of the American Revolution, the Magna Charta Dames, the Alpha Phi Sorority, the Senate Ladies Club, and served as president of the Merry Wives Club; and

Whereas, She was a member of the First Methodist Church in Pecos, where she taught Sunday School for many years, and was a member of the 50-50 Class. She was active in PTA and civic work; and

Whereas, Mrs. Hudson is survived by her husband; two sons, Hill D. Hudson, Jr., of Lubbock, and William Bonner Hudson of Austin; two grandchildren, Hill D. Hudson III of Lubbock, and Michael William Hudson of Austin; and one sister, Mrs. R. B. Bennett of Dallas; and

Whereas, Her many contributions to her family, her church, her community and her country will be missed by those who knew and were associated with her; now, therefore, be it

Resolved, by the Senate of the State of Texas, That the Senate does hereby extend its deep sympathy to the surviving family of this outstanding West Texan; and be it further

Resolved, That copies of this Resolution under the seal of the Senate be forwarded to the members of her family, and that when the Senate adjourns today it do so in memory of Mrs. Hill D. Hudson.

HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.